

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,)	CASE NO. 1:08CR192
)	
PLAINTIFF)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
PHUC ZAN,)	MEMORANDUM OPINION
)	AND ORDER
DEFENDANT.)	
)	

This matter is before the Court upon Magistrate Judge James S. Gallas' Report and Recommendation that the Court ACCEPT Defendant Phuc Zan's ("Defendant") plea of guilty and enter a finding of guilty against Defendant. (Dkt. # 40).

On April 23, 2008, the government filed an Indictment against Defendant. (Dkt. # 1). On September 8, 2008, this Court issued an order assigning this case to Magistrate Judge Gallas for the purpose of receiving Defendant's guilty plea. (Dkt. # 30).

On September 18, 2008, a hearing was held in which Defendant entered a plea of guilty to Count One of the Indictment, conspiracy to manufacture a controlled substance (marijuana), in violation of 21 U.S.C. § 846. Magistrate Judge Gallas received Defendant's guilty plea and issued a Report and Recommendation ("R&R") recommending that this Court accept the plea and enter a finding of guilty. (Dkt. # 40).

Neither party objected to the Magistrate Judge's R&R in the ten days after it was

issued.

On *de novo* review of the record, the Magistrate Judge's R&R is adopted. The Defendant was found to be competent to enter a plea. The Defendant understood his constitutional rights. He is aware of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds that the plea was entered knowingly, intelligently, and voluntarily. The Defendant's plea of guilty is approved.

Therefore, the Defendant is adjudged guilty of Count One in violation of 21 U.S.C. § 846. The sentencing will be held on December 17, 2008, at 10:00 a.m.

IT IS SO ORDERED.

/s/ Peter C. Economus - October 15, 2008

PETER C. ECONOMUS

UNITED STATES DISTRICT JUDGE